

MEMORANDUM

TO: Interested Parties

FROM: Françoise M. Carrier, Director
Office of Zoning and Administrative Hearings

SUBJECT: Administrative Procedures for Processing Amendments of Development Plans and Schematic Development Plans

Under changes to the zoning ordinance, development and schematic development plan amendments will be processed in the following manner.

The amendment application when filed must be accompanied by a copy of the previously certified development plan if approved after August 17, 1987 or the uncertified development plan if approved before that date.

Subsequent to the amendment being filed in our office, an administrative record will be initially established by our office and transmitted to the Planning Board which is responsible for the record, including maintaining an exhibit list and identifying the parties of record. The record will be returned to our office after the Planning Board's meeting and completion of their recommendation. See, §59-D-1.74 (Ordinance 11-7, Adopted July 28, 1987).

In cases where a public hearing is not required, the Planning Board's recommendation will be sent directly to the District Council and the administrative record will be maintained in our office for public inspection exactly like the procedure for local map amendment applications. Because of the restrictions that attach to an administrative record, the amendment will be considered by the District Council rather than a committee.

A public hearing will be required if there is public opposition, or it is recommended by the Planning Board, or requested by an aggrieved party within ten days of the Planning Board's meeting. In the event that a public hearing is required under §59-D-1.74(d), the following procedures will apply to the hearings conducted by our office:

1. A prompt hearing date will be selected within a 30-day range that will be no earlier than 15 days after the receipt of the administrative record or not later than 45 days after its receipt. This provides everyone with reasonable notice, but does not delay the hearing.
2. All persons listed by the Planning Board in the administrative record as parties of record will receive actual notice of the hearing date, place and time. A form notice is enclosed, which the applicant will be required to send to all the parties after receiving a hearing date from this office. The applicant will file an affidavit of mailing at the time of the hearing. The hearing date will be added to our monthly schedule of hearings, if time allows, and sent to the civic associations that usually receive this schedule.
3. The parties are requested to submit prehearing statements which list witnesses and briefly summarize the subject matter of their testimony. A time estimate for case presentation is also requested as well as a brief statement of the issues presented. The applicant's statement must be submitted 15 days before the hearing and the opposition's statements 5 days before the hearing. If the hearing itself is scheduled with only 15 days notice, the applicant's statement is due 10 days before the hearing.
4. The administrative record must be closed at the conclusion of the hearing. Under the provisions of §59-D-1.74(d)(2) this closing is mandatory unless extended by the District Council.
5. The report and recommendation will be prepared and forwarded to the District Council within 30 days of the close of the record. All parties of record are provided a copy and are entitled to request oral argument before the District Council if requested within ten days of the report.
6. The Staff of the District Council will arrange for the report and recommendation to be made part of the District Council's agenda after the end of the 10 day period in which oral argument can be requested.

FMC:nzf

Application No. _____
Filed _____

**Application for Development Plan Amendment
Montgomery County, Maryland**

Name of Applicant

Address

Tel. No.

makes application with the County Council for Montgomery County, Maryland, sitting as a District Council for that portion of the Maryland-Washington Regional District within Montgomery County, for the amendment of the Development Plan, Exhibit No. _____, in Zoning Application No. _____, approved by the County Council on _____.

Concise Description of the Development Plan Amendment

Location of Property: _____

Tax Account #: _____

Acreage: _____

Existing Zoning: _____

1. As originally approved, the Development Plan proposed:

2. The requested Development Plan Amendment would make the following change(s):

Pursuant to Section 59-D-1.74(a) this application for a development plan amendment includes a copy of the certified approved development plan and all relevant information required by Section 59-D-1.3 of the Zoning Ordinance.

Signature of Applicant

Signature of Attorney - (Please print next to signature)

Address of Attorney

Telephone Number

<u>Filing Fee</u>	This application must be accompanied by a check, drawn to the order of Montgomery County, Maryland, in the amount specified in the Fee Schedule of the Office of Zoning and Administrative Hearings. The fee cannot be refunded once it is paid.
<u>Initial Copies</u>	The Applicant shall submit four copies of the completed application, the Development Plan Amendment and the previously approved and certified Development Plan, and homeowners' documents if applicable. The Technical Staff of the Maryland-National Capital Park and Planning Commission will notify the Applicant concerning the amount of additional copies of the Development Plan Amendment needed for the processing of the application.
<u>Posting of Notice</u>	<p>The Applicant is required to post the property covered by this application, with a sign provided by this office, within 3 days of the acceptance for filing of the application pursuant to Section 59-D-1.74. There is a fee of \$100 per sign.</p> <p>The Applicant is required to submit an affidavit of posting, on a form provided by this office, prior to the public meeting held by the Planning Board.</p>
<u>Mailing of Notice</u>	The Applicant is required to provide written notice to abutting and confronting property owners pursuant to Section 59-D-1.74(b). The Applicant is required to submit an affidavit of mailing, on a form provided by this office, prior to the public meeting held by the Planning Board.
<u>Certification</u>	The Applicant, within 10 days after Council approval of a development plan amendment and prior to submittal of a subdivision or site plan, must submit to this office a reproducible original and 3 copies of the development plan amendment approved by the Council. The reproducible original and 3 copies must contain the following certification language:

OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS

CERTIFICATION

This is a true copy of the Development Plan Amendment in DPA No __, (Exhibit No. ____), approved by the District Council on _____, 20__, concerning original LMA No._____.

**_____
Hearing Examiner**

Dated: _____, 20__.

Application for Schematic Development Plan Amendment
Montgomery County, Maryland

_____ Name of Applicant	_____ Address	_____ Tel. No.
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makes application with the County Council for Montgomery County, Maryland, sitting as a District Council for that portion of the Maryland-Washington Regional District within Montgomery County, for the amendment of the Schematic Development Plan, Exhibit No. _____, in Zoning Application No. _____, approved by the County Council on _____, and approved Declaration of Covenants recorded at liber ___, folio _____, in the land records of Montgomery County.

Concise Description of the Schematic Development Plan Amendment

Tax Account #: _____

Acreage: _____

1. As originally approved, the Schematic Development Plan proposed:

2. The requested Schematic Development Plan Amendment would make the following change(s):

Pursuant to Section 59-D-1.74(a) this application for a schematic development plan amendment includes a copy of the certified approved schematic development plan and all relevant information required by Section 59-H-2.53 of the Zoning Ordinance.

Signature of Applicant

<u>Filing Fee</u>	This application must be accompanied by a check, drawn to the order of Montgomery County, Maryland, in the amount specified in the Fee Schedule of the Office of Zoning and Administrative Hearings. The fee cannot be refunded once it is paid.
<u>Initial Copies</u>	The Applicant shall submit three copies of the completed application, the Schematic Development Plan Amendment and the previously approved and certified Schematic Development Plan. The Application shall also include a copy of the existing <u>recorded</u> covenants and the proposed new covenants. By the close of the hearing record, a copy of the newly executed covenants shall be made a part of the official record. The Technical Staff of the Maryland-National Capital Park and Planning Commission will notify the Applicant concerning the amount of additional copies of the Schematic Development Plan Amendment needed for the processing of the Application.
<u>Posting of Notice</u>	<p>The Applicant is required to post the property covered by this application, with a sign provided by this office, within 3 days of the acceptance for filing of the application pursuant to Section 59-D-1.74. There is a fee of \$100 per sign.</p> <p>The Applicant is required to submit an affidavit of posting, on a form provided by this office, prior to the public meeting held by the Planning Board.</p>
<u>Mailing of Notice</u>	The Applicant is required to provide written notice to abutting and confronting property owners pursuant to Section 59-D-1.74(b). The Applicant is required to submit an affidavit of mailing, on a form provided by this office, prior to the public meeting held by the Planning Board.
<u>Certification</u>	<p>The Applicant, within 10 days after Council approval of a schematic development plan amendment and prior to submittal of a subdivision or site plan, must submit to this office a reproducible original and 3 copies of the schematic development plan amendment approved by the Council. The adopted covenants are to be recorded and a copy filed with this office. The reproducible original and 3 copies must contain the following certification language:</p> <p>OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS</p> <p><u>CERTIFICATION</u></p> <p>This is a true copy of the Schematic Development Plan Amendment No. _____ (Exhibit No. _____) approved by the District Council on _____, 20____, concerning original LMA No. _____</p> <p>_____ Hearing Examiner</p> <p>Dated: _____, 20____.</p>

<u>NAME</u>	<u>ADDRESS AND TELEPHONE NUMBER</u>	<u>LOT</u>	<u>BLOCK</u>
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LOCAL CIVIC ASSOCIATION (NAME AND ADDRESS):

LIST OF ADJOINING AND CONFRONTING PROPERTY OWNERS:

DEVELOPMENT PLAN AMENDMENT APPLICATION
DISCLOSURE STATEMENT
(Revised January 1, 2003)

State law requires that each and any Applicant for a development plan amendment, or Party of Record, who has made a contribution to a candidate for County Executive or County Council of \$500.00 or more, calculated cumulatively for the four-year election cycle either before the filing of the application or during the four-year cycle within which the application is pendent, must disclose the name of the candidate to whose treasurer, political committee, or slate the contribution was made, the amount, and the date of the contribution. For your information, the four year election cycle is defined as the period that begins on January 1 that follows a gubernatorial election and continues until the December 31 that is four years later, according to the Md. Ann. Code, Election Law, Sec. 1-101(w).

A Disclosure Statement must be filed when the application is filed or within two weeks after entering the proceeding by a Party of Record and be updated within five business days of any contribution made after the filing of the initial disclosure and before final disposition of the application by the District Council. If more than one contribution is made, please specify in the space provided below each contribution and to whom it was made. **If more than one applicant is involved in a single application, each applicant must file this statement.**

Subject to the penalties of perjury, I, _____
(NAME OF APPLICANT FOR DEVELOPMENT PLAN AMENDMENT
OR PARTY OF RECORD)

HEREBY AFFIRM that the contents of this statement are true to the best of my knowledge, information and belief, and that: **(SELECT EITHER 1 OR 2 BELOW AND CHECK APPROPRIATE STATEMENT)**

1. ☐ I HAVE made a contribution of _____
(FILL IN AMOUNT OF CONTRIBUTION IF \$500
OR MORE, OR STATE N/A IF NOT APPLICABLE)
on _____
(FILL IN DATE (MONTH, DAY AND YEAR) OF CONTRIBUTIONS),
to the following candidate's treasurer, political committee, or slate:

(FILL IN NAME OR NAMES OF CANDIDATE, OR STATE N/A IF INAPPLICABLE)
(If more space is required, use the back of this form.)

2. ☐ I HAVE NOT made a contribution requiring disclosure.

SIGNATURE OF DECLARANT

This Statement is filed in compliance with Public Ethics Requirements, Art. 33, Md. Ann. Code, Sec. 26-9(f-l) and Md. Ann. Code, State Government Article, Sec.15-838 through 15-841. Any violations of these provisions is a misdemeanor, and upon conviction, is subject to a fine of not more than \$1,000.

For convenience, several definitions in State law are contained on the reverse side.

Subscribed and sworn to me, a Notary Public for Montgomery County, Maryland, this
_____ day of _____, 20____.

NOTARY PUBLIC
My Commission Expires:

(1)(i) “Applicant” means an individual or business entity that is:

1. a title owner or contract purchaser of land that is the subject of an application;
2. a trustee who has an interest in land that is the subject of an application, excluding trustees described in a mortgage or deed of trust; or
3. a holder of 5 percent or greater interest in a business entity who has an interest in land that is the subject of an application.

(ii) “Applicant” includes, if the applicant is a corporation, the directors and officers of the corporation which actually holds title to the land, or is a contract purchaser of the land which is the subject of an application.[State Govt. Art. 15-838 (b) (1999 Repl. Vol.)]

(2) “Applicant” does not include:

- (i) a financial institution that has loaned money or extended financing for the acquisition, development, or construction or improvements on the land that is the subject of an application;
- (ii) a municipal or a public corporation;
- (iii) a public authority;
- (iv) a public service company acting within the scope of the Public Utilities Companies Article; or
- (v) a person who is hired or retained an accountant, attorney, architect, engineer, land use consultant, economic consultant, real estate agent, real estate broker, traffic consultant, or traffic engineer. [State Govt. Art. 15-838(b) (1999 Repl. Vol.)]

“Business Entity” means:

- (1) a sole proprietorship;
- (2) a corporation;
- (3) a general partnership;
- (4) a limited partnership;
- (5) a limited liability company; or
- (6) a joint venture. [State Govt. Art. 15-838(d) (1999 Repl. Vol.)]

“Candidate” means an individual who wins an election to the Office of County Executive or County Council of Montgomery County. [State Govt. Art. 15-838(e) (1999 Repl. Vol.)] Code Ann. §(F-1)(l)(ii)

“Contribution” means:

- (1) any payment or transfer of money or property of \$500 or more, calculated cumulatively during a 4-year election cycle, or the incurring of any liability or promise of anything of value of \$500 or more, cumulatively during a four year election cycle, to the treasurer of either a candidate or a political committee.
- (2) “Contribution” includes a payment or transfer to a slate with which a candidate is associated.
- (3) Except as provided in paragraph (4) of this subsection, the \$500 cumulative threshold contribution is calculated separately as to each candidate or elected official.
- (4) For purposes of this subtitle, a cumulative contribution of \$500 or more to a slate is fully attributed to each candidate on the slate. [State Gov’t. Art. §15-838(f)]

**Office of Zoning and Administrative Hearings
Stella B. Werner Council Office Building
100 Maryland Avenue, Room 200
Rockville, Maryland 20850
(240) 777-6660**

*
*
* Development Plan Amendment
* No. _____
*
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* * * * *

NOTICE OF PUBLIC HEARING
[IF HEARING IS REQUESTED BY OPPOSITION PARTY OR PARK AND PLANNING]

You are advised that the above captioned matter is scheduled for public hearing to be conducted on _____, beginning at 9:30 a.m. in the Rita Davidson Memorial Hearing Room, 2nd Floor, Stella B. Werner Council Office Building, 100 Maryland Avenue, Rockville, Maryland. The hearing is scheduled under the authority of §59-D-1.74 (d)(1). The administrative record is maintained by our office and is available for inspection by the public during normal business hours.

The applicant must file an affidavit of mailing at the beginning of the hearing. At the conclusion of the hearing, the examiner must close the record unless this time is extended by the District Council. For this reason, if you plan to file any written materials, please do so prior to or during the hearing.

Dated:
cc: Office of Zoning and Administrative Hearings
List of all persons receiving copies

DEVELOPMENT PLAN AMENDMENT NO. ____

AFFIDAVIT OF MAILING
(This notice must be filed with the Planning Board at the public meeting)

I hereby certify that I mailed or caused to be mailed to all abutting and confronting property owners notice of the pending DPA. Attached hereto is a list of the individuals to whom notices were mailed on
-.

Applicant

Subscribed and sworn to before me, a Notary Public for Montgomery County, Maryland, this
day of _____, 20____

Notary Public

My Commission Expires: _____

DEVELOPMENT PLAN AMENDMENT NO. ____

AFFIDAVIT OF MAILING

**(This notice must be filed with the Office of Zoning and Administrative
Hearings at the time of the public hearing)**

I hereby certify that I mailed or caused to be mailed to all persons listed in the administrative record as in public opposition or parties of record to the above-entitled development plan amendment an actual notice of the hearing date, place and time of the hearing as scheduled for DPA No. ____.

Attached hereto is a list of parties and/or individuals to whom letters and notices of public hearing were mailed on ____.

Applicant

Subscribed and sworn to before me, a Notary Public for Montgomery County, Maryland, this
day of ____, 20__

Notary Public

My Commission Expires: _____

MEMORANDUM

TO: Applicants Filing a Development Plan
FROM: Françoise M. Carrier, Director
SUBJECT: Certification Requirements

Section 59-D-1.64 of the Zoning Ordinance requires that the Office of Zoning and Administrative Hearings certify any DP, SDP, DPA or SDPA.

Accordingly, within 10 days after County Council approval of a development plan, and before the filing of a site plan or subdivision plan with the Planning Board, an applicant must submit a reproducible original and three copies of the approved development plan to this office. These copies must be exactly in the same form as approved by the Council.

Each copy of the approved DP, SDP, DPA, or SDPA must contain the following certification to be completed by the Hearing Examiner:

OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS

CERTIFICATION

This is a true copy of the Development Plan)
(Exhibit No. _____) approved by the District
Council on _____, 20____, in Application No. _____.

Hearing Examiner

Dated: _____, 20____.

MEMORANDUM

TO: Applicants Filing a Development Plan Amendment

FROM: Françoise M. Carrier, Director
Office of Zoning and Administrative Hearings

SUBJECT: Certification Requirements

Section 59-D-1.64 of the Zoning Ordinance requires that the Office of Zoning and Administrative Hearings certify any development plan amendment approved by the County Council in zoning reclassification cases.

Accordingly, within 10 days after County Council approval of any application containing a development plan amendment, and before the filing of a site plan or subdivision plan with the Planning Board, an applicant must submit a reproducible original and three copies of the approved development plan amendment to this office. These copies must be exactly in the same form as approved by the Council.

Each copy of the approved development plan amendment must contain the following certification to be completed by the Hearing Examiner:

OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS

CERTIFICATION

This is a true copy of the Development Plan Amendment in DPA No. _____, (Exhibit No. _____) approved by the District Council on _____, 20____, concerning original LMA No. _____.

Hearing Examiner

Dated: _____, 20____.

MEMORANDUM

TO: Applicants Filing a Schematic Development Plan

FROM: Françoise M. Carrier, Director
Office of Zoning and Administrative Hearings

SUBJECT: Certification Requirements

Section 59-D-1.64 of the Zoning Ordinance requires that the Office of Zoning and Administrative Hearings certify any schematic development plan approved by the County Council in zoning reclassification cases.

Accordingly, within 10 days after County Council approval of any application containing a schematic development plan, and before the filing of a site plan or subdivision plan with the Planning Board, an applicant must submit a reproducible original and three copies of the approved schematic development plan to this office. These copies must be exactly in the same form as approved by the Council.

Each copy of the approved schematic development plan must contain the following certification to be completed by the Hearing Examiner:

OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS

CERTIFICATION

This is a true copy of the Schematic Development Plan (Exhibit No. _____) approved by the District Council on _____, 20____, in Application No. _____.

Hearing Examiner

Dated: _____, 20____.

